

IN THE UNITED STATES DISTRICT COURT  
FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

FILED  
SCRANTON

OCT 17 2016

DAMON TODD CAREY,

Petitioner

v.

WARDEN CAPTAIN SPAULDING,

Respondent

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CIVIL NO. 3:CV-14-1181

(Judge Conaboy)

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MEMORANDUM

Background

Damon Todd Carey, an inmate presently confined at the Allenwood United States Penitentiary, White Deer, Pennsylvania (USP-Allenwood), filed this pro se petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Service of the petition was previously ordered.

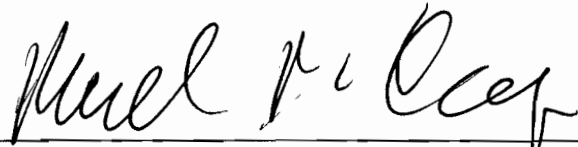
On October 17, 2016, Petitioner filed a "Motion to Withdraw." Doc. 20. The motion states that "Petitioner wishes withdraw" the above petition. Id.

Under the standards announced in United States v. Miller, 197 F.3d 644 (3d Cir. 1999) and Mason v. Meyers, 208 F.3d 414 (3d Cir. 2000),<sup>1</sup> a pro se litigant is allowed opportunity to voluntarily withdraw a federal habeas corpus petition.

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<sup>1</sup> Miller and Mason sought to prevent pro se litigants from unintentionally defaulting federal habeas corpus claims through failure to assert them in a single petition.

Based upon an application of the standards announced in Miller and Mason to Carey's announced intention to withdraw his instant petition, his request for voluntary dismissal will be granted. The dismissal will be entered without prejudice. An appropriate Order will issue.



RICHARD P. CONABOY  
United States District Judge

DATED: OCTOBER 19<sup>th</sup>, 2016